

Notice of Allowability

Applicati n No.

10/689,315

Examiner

Patricia L Engle

Applicant()

CHABOT, JOHN P.

Art Unit

3612

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on October 20, 2003.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Patricia Engle
Patent Examiner
Art Unit 3612

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Doherty on April 26, 2004.

The application has been amended as follows:

In claim 1, the second to the last line, please change "can be" to --are--;

In claim 14, line 2, please change "13" to --12--.

Please rewrite the Abstract as follows:

An improved roll-up truck cover assembly is provided for use on trucks having a rectangular open truck body ~~carrying gravel, loose dirt and the like.~~ The roll-up truck cover assembly ~~comprises~~ includes a rectangular flexible top cover attached at one end to the front wall and at the other end to a take-up roll including a biasing member tending to rotate the roll in a take-up operation. A pair of elongated swinging arms are provided on each opposite side wall of the truck body. ~~The swinging arms may comprise, for example, a first or upper elongated tube rod rotatably connected at one end to the take-up roll. The first or upper elongated tube or rod is telescopically and retractably mounted at its other end within a second or lower larger diameter tube pivotally mounted to a lower end portion of one of the side walls of the truck body. A roller and an elongated roller guide track are provided for each swinging arm on each opposite side wall of the truck body. Each roller is rotatably mounted onto a shaft which is attached to the first~~

Art Unit: 3612

~~or upper tube of each swinging arm and are movably engaged within each of the guide tracks.~~

~~Means are provided for pivotally moving the swinging arms along the opposite side walls of the truck body in an arch-like manner from one to the other opposite end of the truck. The take-up roll and top cover travel along with the swinging arms and the cover is unwound from the take-up roll in one direction covering the open end of the truck body and then wound onto the take-up roll in the opposite direction during the take-up operation. The rollers move along the guide tracks in a straight longitudinal path causing the a first or upper tube or rod to retract within the a second or lower tube, keeping to a minimum the height to which the take-up roll and top cover can be are raised above the truck.~~

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Please add the --Prior Art-- label to Figures 9 and 10a, please include an arrowhead at the end of the lead line for reference characters 40 and 42, and please add reference character 33 to Figure 8. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of the claims in this application is that the prior art of record does not disclose or suggest a roll-up truck bed assembly in combination with the truck bed including a pair of telescoping swing arms one of each of which is positioned adjacent one of the side walls of the truck body, the swinging arms including a pair of rollers one of each which is rotationally mounted onto one of a pair of shafts, each one of the shafts being attached to a first elongated member of the swinging arms and a pair of elongated guide rollers one of each of which is mounted substantially longitudinally to one of the opposite side walls of the truck body such that

Art Unit: 3612

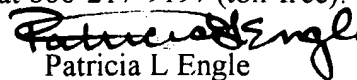
movement of the rollers along the guide tracks causes the first or second member to retract within the other member thereby keeping to a minimum the height to which the take-up roll and cover are raised above the truck body, in combination with the other elements recited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia L Engle
Examiner
Art Unit 3612

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April 27, 2004